

AGENDA ITEM J-01



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Ordinance No. 1743 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 16.40, by Repealing Section 16.40.050 A-5 and Adding Section C Relating to Reimbursement Agreements"

MEETING DATE: March 17, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1743.


BACKGROUND INFORMATION: Ordinance No. 1743 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 16.40, by Repealing Section 16.40.050 A-5 and Adding Section C Relating to Reimbursement Agreements" was introduced at the regular City Council meeting of March 3, 2004.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the Interim City Attorney.

FUNDING: None required.


Susan J. Blackston
City Clerk

SJB/JMP
Attachment

APPROVED: _____
H. Dixon Flynn, City Manager

ORDINANCE NO. 1743

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING LODI
MUNICIPAL CODE CHAPTER 16.40, BY REPEALING SECTION
16.40.050 A-5 AND ADDING SECTION C RELATING TO
REIMBURSEMENT AGREEMENTS

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. Lodi Municipal Code Chapter 16.40 – Reimbursements for Construction is hereby amended by repealing Section 16.40.050 A-5 relative to Reimbursement Agreements.

Section 2. Lodi Municipal Code Section 16.40.050 – Reimbursement Agreement is hereby amended by adding subsection C as follows:

- C. Prior to the adoption of a resolution approving the reimbursement agreement the city shall within ninety (90) days of receipt of a completed application conduct a public hearing as follows:
 - 1. At least ten (10) days prior to the date and time set for the hearing before the city council, give a notice by first class mail, postage prepaid, to the addresses as shown on the latest equalized assessment roll of San Joaquin County, to the owners of each parcel identified in the reimbursement agreement as benefited.
 - 2. The notice shall state the date, time, and location set for such hearing.
 - 3. Include in such notice to property owners as required under (1) above a statement of the nature of the improvements constructed by the applicant, the actual costs of the improvements, the amount of the reimbursable costs as provided in Section A above, and list of the addresses or a map delineating all parcels identified in the reimbursement agreement as benefited.
 - 4. The hearing on such reimbursement agreement shall take place before the city council, at which time all interested parties shall be heard. The council shall determine what properties are benefited, the costs and a fair method of allocation of costs to the properties benefited, and an apportionment of such costs.

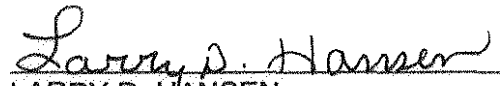
Section 3. - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner, which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4. - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance, which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 6. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 17th day of March, 2004


LARRY D. HANSEN
Mayor

Attest:



SUSAN J. BLACKSTON
City Clerk

State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1743 was introduced at a regular meeting of the City Council of the City of Lodi held March 3, 2004, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held March 17, 2004, by the following vote:

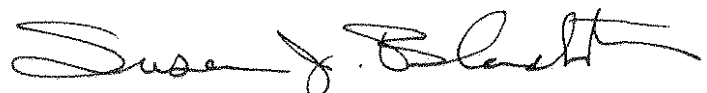
AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard, Land, and
Mayor Hansen

NOES: COUNCIL MEMBERS – None

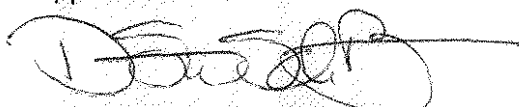
ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1743 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


SUSAN J. BLACKSTON
City Clerk

Approved as to Form:


D. STEPHEN SCHWABAUER
Interim City Attorney